

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:08-CR-37
)	
JONATHAN N. DILLEY)	
)	
Defendant.)	

OPINION AND ORDER

Before the Court is *pro se* Defendant Jonathan N. Dilley's " Motion for Variance in Answer to Order and Opinion of Honorable Judge William C Lee," [DE 113] filed on October 26, 2011. On October 21, 2011, the undersigned DENIED Dilley's prior motions seeking relief from the conditions of supervised release.

Dilley was convicted of three counts of passing fictitious obligations and sentenced to 45 months imprisonment to be followed by 3 years of supervised release. Dilley was released from imprisonment on August 4, 2011. On September 14, 2011, the United States Probation Office petitioned the Court to revoke Dilley's supervised release based upon his non-compliance with various conditions of supervision. On October 3, 2011, the undersigned held a revocation hearing and determined that Dilley did, in fact, violate the conditions of supervised release as alleged. Dilley was ordered to comply with his conditions of supervised release and the matter of the sentence to be imposed was taken under advisement until a further status conference on November 21, 2011. Since that time, Dilley has on at least two occasions reported to the probation department as required but persists in his refusal to comply with the mandatory drug testing condition or submit to a mental health evaluation. Pursuant to 18 U.S.C. §3583(g)(3), failure to comply with the

mandatory drug testing condition requires revocation of supervised release and imposition of a term of imprisonment. In the meantime, Dilley has repeatedly filed documents seeking what he terms a “variance” from the conditions of supervised release. Dilley’s filings can accurately be described as taking on a fringe political view that all existing government in the United States is illegitimate. Thus, he does not recognize the authority of the Government to “constrain” him in any way. Unfortunately for Dilley, the undersigned is bound by the Constitution of the United States to uphold the laws of the United States which includes laws and statutes passed by the United States Congress. Thus, Dilley should be on notice that this Court will follow its mandate under the Constitution of the United States to interpret and uphold the laws. Dilley’s latest motion is therefore DENIED for the same reasons set forth in the October 21, 2011 Order. Any further filings from Dilley will be addressed at the November 21, 2011 hearing set in this case.

SO ORDERED. This 2nd day of November, 2011

s/ William C. Lee
United States District Court